

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE**

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:  
SNMP RESEARCH, INC. and SNMP  
RESEARCH INTERNATIONAL, INC.,  
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Plaintiffs,  
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:  
v.  
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BROADCOM INC.; BROCADE  
COMMUNICATIONS SYSTEMS LLC; and  
EXTREME NETWORKS, INC.,  
:  
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:  
Defendants.  
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----- X

Case No. 3:20-cv-00451-JRG-DCP

U.S. District Judge J. Ronnie Greer

**DEFENDANT EXTREME NETWORKS, INC.’S MOTION TO DISMISS  
OR, IN THE ALTERNATIVE, TO TRANSFER  
TO THE NORTHERN DISTRICT OF CALIFORNIA**

Defendant Extreme Networks, Inc. (“Extreme”) respectfully moves this Court to dismiss the complaint filed by Plaintiffs SNMP Research, Inc. and SNMP International, Inc. (the “Complaint”), pursuant to Federal Rules of Civil Procedure 12(b)(3) and 12(b)(6) or, in the alternative, to transfer this action to the United States District Court for the Northern District of California, pursuant to 28 U.S.C. §§ 1404(a) or 1406. In support of this motion, Extreme states as follows:

1. The Complaint should be dismissed (or, in the alternative, transferred) because the Eastern District of Tennessee is an improper venue;
2. The copyright infringement claims in the Complaint should be dismissed for the additional reason that Plaintiffs fail to state a claim upon which relief may be granted;

3. If the Complaint and/or copyright infringement claims are not dismissed, this matter should be transferred to the proper and more convenient forum of the Northern District of California, in which all of the defendants are located;

4. In further support of this motion, Extreme submits and relies upon the following documents filed contemporaneously herewith:

- (a) Extreme's accompanying Memorandum of Law; and
- (b) the Declaration of Peter Lam;

5. Extreme requests oral argument on this motion at the Court's earliest convenience; and

6. Pursuant to this Court's Order Governing Motions to Dismiss, the parties met and conferred on December 13, 2020.

December 22, 2020

Respectfully Submitted,

**SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP**

By: /s/ John M. Neukom  
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*Attorneys for Extreme Networks, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that Extreme Networks, Inc.'s Motion to Dismiss or, in the Alternative, to Transfer to the Northern District of California, is being served on all counsel of record in the above-captioned litigation via electronic filing and email on this 22<sup>nd</sup> day of December, 2020.

/s/ John M. Neukom

John M. Neukom

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